

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:

Patrick Sullivan
(Assignor)

and

Lake Broadcasting, Inc.
(Assignee)

Application for Consent to Assignment of License
of FM Translator Station W238CE, Montgomery,
Alabama

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Federal Communications Commission
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MB Docket No. 14-82

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 16M-16

In the Matter of

PATRICK SULLIVAN
(Assignor)

and

LAKE BROADCASTING, INC.
(Assignee)

For Commission Consent to
the License of FM
Translator Station W238CE,
Montgomery, Alabama

: EB Docket No. 14-82

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Federal Communications Commission
Bureau / Office

Volume III

Thursday,
November 17, 2016

Courtroom A
Room TW-A363
445 12th Street, SW
Washington, D.C.

The above-entitled matter came on for pre-hearing
conference, pursuant to notice, at 10:30 a.m.

BEFORE: THE HONORABLE RICHARD L. SIPPEL,
Chief Administrative Law Judge

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On Behalf of Assignor Patrick Sullivan and Assignee Lake
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ALSO PRESENT:

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Office of Administrative Law Judges,
Federal Communications Commission

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P-R-O-C-E-E-D-I-N-G-S

(10:31 a.m.)

JUDGE SIPPEL: It's the 17th of November 2016, and we're having a pre-hearing conference on the matter of Sullivan as the Assignor and Lake Broadcasting being the Assignee. It's a station in -- I mean, excuse me, let me get it right here now, that been translator station W238CE out of Montgomery, Alabama, is that correct?

MR. JACOBS: Yes.

JUDGE SIPPEL: Okay. And actually Lake Broadcasting is an alternate name for Mr. Rice, is that right?

MR. JACOBS: Well, that's the corporate name. He is the principal --

JUDGE SIPPEL: He's the principal. And what's his first name? I got Mr. Rice.

MR. JACOBS: Michael.

JUDGE SIPPEL: Mr. Michael Rice, okay. Okay, just so we're all on sync here. Now, I've gotten a memo from Mr. Knowles-Kellett at the Bureau, Enforcement Bureau, on what they want to -- or what their schedule might be to discuss that. We didn't get anything from you, Mr. Jacobs, is that right?

MR. JACOBS: Right, no.

JUDGE SIPPEL: All right. Just wanted to know if I'm missing anything. So why don't we just take appearances

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1 now. For the Government?

2 MR. OSHINSKY: Gary Oshinsky.

3 JUDGE SIPPEL: Mr. Oshinsky. Good morning.

4 MR. OSHINSKY: Good morning.

5 MR. KNOWLES-KELLETT: William Knowles-Kellett.

6 JUDGE SIPPEL: Mr. Knowles-Kellett. You came all
7 the way from Gaithersburg?

8 MR. KNOWLES-KELLETT: Gettysburg.

9 JUDGE SIPPEL: Oh, I get the two confused. Where
10 was the -- Gettysburg was where the Civil War thing was done.
11 Okay. Mr. Jacobs.

12 MR. JACOBS: Jerold L. Jacobs for Lake Broadcasting
13 and Patrick Sullivan.

14 JUDGE SIPPEL: You're representing both the assignor
15 and the assignee?

16 MR. JACOBS: Yes.

17 JUDGE SIPPEL: That's all right. I'm just being --
18 just want to clear it up. Are you ready to go?

19 MR. JACOBS: Yes, sir.

20 JUDGE SIPPEL: You look like you're -- Okay? You're
21 sure?

22 MR. JACOBS: Yes, I'm just getting my papers
23 together.

24 JUDGE SIPPEL: Okay. Good morning everybody. And
25 I've got, I guess some good news and some bad news, depending

1 on which side of the table you're on I guess. I'm going to
2 completely deny this effort to get additional defense evidence
3 in with respect to the Abel test for all the reasons that have
4 been written about. And I note that the last document you
5 filed, Mr. Jacobs, did not address the issue of using it as
6 rebuttal, which is what I had asked. In other words, I had
7 already decided that it was not going to be in as direct
8 evidence, and rebuttal was open and you never addressed that.

9 So I'm going to deny all efforts to use that test
10 as evidence in this case with the exception of in the event
11 we go to an appropriate time at trial, and I'll tell you what
12 the appropriate time at trial is. You got second thoughts on
13 needing a rebuttal I'll consider it, but only under two
14 conditions. One, that the Government, Mr. Oshinsky and
15 Knowles-Kellett, have an opportunity to cross-examine the
16 witness. In other words, the testing witness, your expert.
17 And at your expense or her expense, and in Washington, D.C.
18 or at their convenience. And only if it doesn't disrupt the
19 hearing.

20 Okay. So I'm giving you more than you asked -- I'm
21 giving you more than I should have, but I always want to hold
22 out to possibility -- I don't want to have the record
23 besmirched by having denied you the right of rebuttal. But
24 I'm going to need a lot of convincing in order to get that,
25 and it's going to have to be discovery at the Bureau's

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1 convenience sometime before the trial.

2 MR. OSHINSKY: Excuse me, Your Honor, you were
3 talking about deposition, not cross-exam.

4 JUDGE SIPPEL: Anything you want to do. You have
5 deposition, yes.

6 MR. OSHINSKY: So, Your Honor would envision taking
7 a break from trial and then doing a deposition, or --

8 JUDGE SIPPEL: No, no, no, before trial.

9 MR. OSHINSKY: Oh, before trial.

10 JUDGE SIPPEL: Yes, if we get his -- if he's going
11 to use her as rebuttal and we're going to have the, you know,
12 the showing of witnesses before we go to hearing you'll have
13 an opportunity -- at any time -- I mean, if we have to break
14 up the trial for you to do a morning or an afternoon of a
15 deposition that's fine with me too.

16 MR. OSHINSKY: But --

17 JUDGE SIPPEL: I'm not going to let you go in there
18 without being proposed.

19 MR. OSHINSKY: Okay. So Your Honor is envisioning
20 actually this would take place before the hearing?

21 JUDGE SIPPEL: Exactly.

22 MR. OSHINSKY: Okay.

23 JUDGE SIPPEL: Exactly.

24 MR. JACOBS: Your Honor, may I respond?

25 JUDGE SIPPEL: No, wait just a second now. I want

1 to be sure everything's clear. All clear on your side?

2 MR. OSHINSKY: Yes, Your Honor. I'd only note that
3 for the reasons that we stated in our motion this is a
4 particularly unreliable test, and we would need the data and
5 so forth in advance how it was conducted so that our expert
6 could look at that and we could then compose our questions for
7 deposition. So we need the raw data well in advance of the
8 deposition.

9 JUDGE SIPPEL: All right. Well, we'll have --
10 here's what we'll do, you will -- they will have notice of who
11 your witnesses are going to be and a summary of what their
12 testimony is going to be. I'm trying to think of the dates
13 on this now. At which time I say I'm going to require Mr.
14 Jacobs to address this issue some time before trial. So you
15 have that chance. It sounds like it's -- your preparation's
16 going to be rather extensive in other words, or is it? Am I
17 just fooling myself?

18 MR. OSHINSKY: No, that's what we're envisioning,
19 Your Honor.

20 JUDGE SIPPEL: But this might be nothing. Get me
21 this data, it may just be nothing. It might just be --

22 MR. OSHINSKY: Yes, I think that's probably
23 something we can work out with Mr. Jacobs.

24 JUDGE SIPPEL: And analyzing it is something else
25 again.

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1 MR. OSHINSKY: Right. We would need our expert
2 witness to review that data and then we would be able to take
3 a deposition.

4 JUDGE SIPPEL: All right. Well, I think that -- and
5 the Government has to pay for that. I think you and your
6 client should pay for that.

7 MR. JACOBS: May I respond?

8 JUDGE SIPPEL: Well, yes. Are we ready now?

9 MR. OSHINSKY: Yes.

10 JUDGE SIPPEL: Okay. I hear what you're saying, and
11 there'll be an accommodation made when I get -- we get to the
12 dates more specifically, but you'll get what you need.

13 MR. OSHINSKY: Thanks, Your Honor.

14 MR. JACOBS: First of all as to the question of
15 whether this is rebuttal or direct evidence, as we pointed out
16 in our exhibit the Abel test was lorded by the Government's
17 witness, Dr. Weitl. She said it was the best of the best and
18 she didn't do it because she is not --

19 MR. OSHINSKY: Your Honor, I'm going to object to
20 that characterization it's completely untrue.

21 (Simultaneous speaking.)

22 MR. JACOBS: Because she said he's the best of the
23 best.

24 JUDGE SIPPEL: Wait a minute. Mr. Jacobs, you're
25 not carrying on a conversation you talk to me.

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1 MR. JACOBS: I'm sorry, Your Honor.

2 JUDGE SIPPEL: Now, we have an objection. Let me
3 clarify the objection.

4 MR. OSHINSKY: Your Honor, --

5 JUDGE SIPPEL: You say that he's misrepresenting
6 what the witness -- what your expert had testified to?

7 MR. OSHINSKY: Yes, and also the context, Your
8 Honor. Our witness testified that that is a test that she
9 used in treatment not in predicting risk.

10 JUDGE SIPPEL: Okay. We'll take it. And what else?
11 Is there any other characterization or qualification you want
12 to address?

13 MR. OSHINSKY: Yes. I mean, if Mr. Jacobs have some
14 notation in the transcript that differs with my memory, but
15 I do not recall any of that. That's not the way she
16 characterized it.

17 JUDGE SIPPEL: Okay. Mr. Knowles-Kellett.

18 MR. KNOWLES-KELLETT: I don't recall that
19 characterization.

20 JUDGE SIPPEL: Okay. All right. Well, if push
21 comes to shove I'm going to have to look at the deposition.

22 MR. JACOBS: Page 25 --

23 MR. SIPPEL: I don't have it.

24 MR. JACOBS: -- of the deposition transcript.

25 JUDGE SIPPEL: Yes.

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1 MR. JACOBS: Dr. Weitzl says --

2 JUDGE SIPPEL: You're reading this now, right?

3 MR. JACOBS: Right.

4 JUDGE SIPPEL: He's reading it from the transcript.

5 MR. JACOBS: Right. In the best, best scenario I
6 would have also had a measure of sexual interest like the Abel
7 or the PPG, the penal plethysmograph examination. But those
8 are very expensive and were never used in the field except for
9 treatment.

10 JUDGE SIPPEL: That's basically what you said, isn't
11 that correct, sir?

12 MR. OSHINSKY: Yes, Your Honor. Yes.

13 JUDGE SIPPEL: All right. So, --

14 MR. JACOBS: So she having said that, we ended up
15 -- our psychologist are qualified to give that test, and it
16 was administered to Mr. Rice. So it was -- it was filling a
17 gap, as we see it, a gap in the evidence not rebutting
18 anything that anyone said. This is new ground, a new test.
19 And it appears that the bureau has a misconception about what
20 this test is all about, and I would like to read to you from
21 Dr. Ann Duncan. The Abel --

22 JUDGE SIPPEL: This is -- That's the name of your
23 expert, is that correct?

24 MR. JACOBS: Ann Duncan is our expert.

25 JUDGE SIPPEL: Yes, that's what I'm saying, right.

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1 Thank you.

2 MR. JACOBS: And it was her husband who actually
3 performed the test. And this is what she -- they work as a
4 team. This is what she said.

5 MR. OSHINSKY: Can I interrupt for a second?

6 JUDGE SIPPEL: I already -- I've seen that document.

7 MR. JACOBS: No, no, you haven't seen this.

8 JUDGE SIPPEL: What is it?

9 MR. OSHINSKY: Yes, we haven't seen it either, Your
10 Honor. And I don't know what purpose Mr. Jacobs is using to
11 read this into the record, but --

12 JUDGE SIPPEL: I don't either.

13 MR. JACOBS: Well, I'm trying to explain that
14 there's no need for anyone to be deposed. If you hear me out
15 you'll see --

16 JUDGE SIPPEL: Well you're going to have to raise
17 that at the time. If you disclose on my schedule -- if you're
18 going to disclose that you're going to use her as rebuttal on
19 this Abel testing business, then I got to set up the -- then
20 it will automatically trigger the discovery procedures that
21 I've outlined, just outlined.

22 There's not going to be any debate about whether
23 or not you're going to -- in what context you're going to use
24 it. I'm just telling you the context in which I'm going to
25 receive it. Because you've had every -- well, for a number

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1 of reasons. But just filling a gap that's easily done on
2 rebuttal, isn't that right? Depends -- I mean, maybe I
3 shouldn't be asking you about trying your case for you, but,
4 I mean, to me it doesn't make any difference one way or the
5 other. But you're not going to get it in under -- I'm not
6 going to receive it or look at it or consider it as direct
7 evidence in this case. It's only going to be for rebuttal and
8 that's going to be used as assessing the truth and
9 completeness and accuracy of their experts. So that's it, if
10 I allow it. I'm not -- as I said I'm not there yet.

11 I just don't want to close that door until I'm
12 fully satisfied that it should be closed. In other words, I
13 don't want a remand because I've denied you some right. Which
14 the way things are going these days, I don't know, you might
15 have fewer rights than more rights but that's something else
16 again.

17 All right. So that's my position. And there's no
18 -- there's really no further discussion of it. I just -- I'm
19 going to have -- I'm going to issue an order and it will tell
20 you your time frame. And as we get closer it'll get more
21 exact. Because I've got to see your trial briefs. I've got
22 to see your list of -- the final list of witnesses. I've got
23 to see exactly where this is coming in, at what time under
24 what circumstances. So that's going to be the test at the
25 time that you do this exchange cases basically. And we'll

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1 give the Bureau any time if it turns out that they need this
2 additional discovery. We're going to make time for it between
3 the time of the exchange and the time of the hearing. It's
4 going to be done. I mean, it's the only way to be fair to any
5 -- to the Bureau.

6 Okay. So that's it. Now is there any more -- I
7 know the Bureau has represented that they -- you don't have
8 any further discovery to make. So -- and you've acknowledged
9 yes.

10 MR. KNOWLES-KELLETT: Yes.

11 JUDGE SIPPEL: What about yourself, Mr. Jacobs?

12 MR. JACOBS: We've asked the Bureau for some
13 evidence pertaining to the alleged altercations of Tammy
14 Gremminger as an expert witness.

15 JUDGE SIPPEL: Now she's the one that's in the
16 Bureau of Prisons or something?

17 MR. JACOBS: A parole officer.

18 JUDGE SIPPEL: Parole officer. And you want to know
19 what her qualifications are as an expert.

20 MR. JACOBS: Right.

21 JUDGE SIPPEL: All right. Let's hear from the
22 Bureau on that.

23 MR. OSHINSKY: Well, Your Honor, Mr. Jacobs didn't
24 file anything with the Court, so we --

25 JUDGE SIPPEL: But aside from that.

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1 MR. OSHINSKY: Yes, I understand that. And he --
2 so we responded to an email from him and as soon as we saw his
3 email we did contact Ms. Gremminger. And she indicated she
4 had been out of town for a while, but that she would be able
5 to get the documents she expected by -- about a week after
6 Thanksgiving.

7 JUDGE SIPPEL: When did you get that email?

8 MR. OSHINSKY: Yesterday.

9 JUDGE SIPPEL: From --

10 (Simultaneous speaking.)

11 MR. OSHINSKY: No, no, from Mr. Jacobs. I think Mr.
12 Jacobs may have emailed on Monday, I think, or Tuesday.

13 MR. JACOBS: Well the original email was sent on
14 October 5. There was no response. I waited a very decent
15 interval, and then yesterday I sent a further email saying
16 what are you going to do in terms of my previous memo. And
17 then Mr. Oshinsky responded as suggested. The --

18 JUDGE SIPPEL: Go ahead.

19 MR. KNOWLES-KELLETT: At the time of his first email
20 he asked Ms. Gremminger informally at her deposition to
21 provide these documents. She agreed to. At the time of his
22 prior email, I don't know if it was October 5th or not, but
23 we immediately forwarded it to her. And Your Honor should
24 understand she's local law enforcement. She's volunteering
25 to help us in this case. So we have little or no control over

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1 her. We immediately asked her again after we received the
2 email this week, and she said I'll have a hard time getting
3 it next week, but the following week I should have it.

4 JUDGE SIPPEL: All right.

5 MR. KNOWLES-KELLETT: So, I think that's the best
6 the Bureau can do at this point.

7 JUDGE SIPPEL: All right. So you're not going to
8 be denied the evidence. Whatever it is that you're looking
9 for you're going to get it. Okay?

10 MR. JACOBS: Well the way things stand right now,
11 Ms. Gremminger is a self-anointed expert.

12 JUDGE SIPPEL: She says she hasn't -- That question
13 has not been ruled on. It's preference, it has not been ruled
14 on.

15 MR. KNOWLES-KELLETT: Well, we're asking for
16 evidence of her --

17 JUDGE SIPPEL: That's fine.

18 MR. KNOWLES-KELLETT: -- expert status.

19 JUDGE SIPPEL: I agree with that. And it's going
20 to come to you very shortly, I'm assuming. I'm assuming, or
21 else I have to step into it.

22 MR. OSHINSKY: That's our expectation, Your Honor.

23 JUDGE SIPPEL: All right. When they contact you
24 next time tell them that I'm very anxious to see it. If that
25 helps. I'm out on parole so I'm not looking -- (Laughter.)

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1 All right. So that -- and then we'll just take it one step
2 at a time. You're going to get the -- You're going to get her
3 documentation whatever it's going to show. It's like a CV or
4 something like that? Is that the idea?

5 MR. JACOBS: She said that she had certain
6 certificates, having taken certain courses.

7 MR. OSHINSKY: Okay.

8 JUDGE SIPPEL: And I'm going to ask the Bureau this
9 now, but they don't have to answer right now, are you going
10 to tender her as an expert?

11 MR. OSHINSKY: Yes, Your Honor, we're expecting to.
12 She's been working in this area for 30 years.

13 JUDGE SIPPEL: Would that be a lay expert or a
14 expert expert?

15 MR. OSHINSKY: It's a professional expert. She does
16 this for a living.

17 JUDGE SIPPEL: She's testified before?

18 MR. OSHINSKY: Yes.

19 JUDGE SIPPEL: She has?

20 MR. OSHINSKY: Yes.

21 JUDGE SIPPEL: As an expert.

22 MR. OSHINSKY: Yes.

23 JUDGE SIPPEL: All right. Well, you want to give
24 counsel a list of those cases.

25 MR. OSHINSKY: That's one of the things we're trying

1 to get.

2 JUDGE SIPPEL: Okay. All right. Well let me know
3 when -- let's see. Let's get a calendar out here. Let's see.
4 Today is the 17th. Let me know by Tuesday.

5 MR. KNOWLES-KELLETT: She said it's a holiday next
6 week. She couldn't do it until the week after.

7 JUDGE SIPPEL: So she's after Thanksgiving.

8 MR. KNOWLES-KELLETT: The week after Thanksgiving,
9 yes. Next week's Thanksgiving.

10 JUDGE SIPPEL: And that, I understand that. And
11 Thanksgiving generally runs through the weekend. Not
12 officially perhaps, but people don't have enough time to
13 digest their food on one day. That's on a Thursday the 24th,
14 25th is a Friday, so how about by the 28th?

15 MR. KNOWLES-KELLETT: Can we have until the 30th,
16 Your Honor?

17 JUDGE SIPPEL: You can. Yes.

18 MR. KNOWLES-KELLETT: Okay.

19 JUDGE SIPPEL: I'm exhausting my patience, but yes,
20 you can have the two days.

21 MR. KNOWLES-KELLETT: Thank you.

22 JUDGE SIPPEL: That's okay I'm going to be out of
23 town anyway. So on the 30th you're going to receive,
24 hopefully, you're going to -- now, this is not for certain,
25 of course, but I'm going to be expecting you to let me know

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1 and to let Mr. Jacobs know all these questions that he has
2 about her. In other words, her certificates of this that or
3 the other thing, and the cases that she's testified to -- in
4 rather, in. And I'm expecting that the Bureau will verify
5 that with her before they send it over to Mr. Jacobs, because
6 I don't want him going down a rabbit hole. Okay? Good
7 enough?

8 MR. KNOWLES-KELLETT: Yes.

9 JUDGE SIPPEL: So that's the 30th. All right.
10 That's good enough. By close of business on the 30th. Fair
11 enough Mr. Jacobs?

12 MR. JACOBS: Yes, sir.

13 JUDGE SIPPEL: Okay. You have to always make
14 allowances for these holidays. All right. So then I want to
15 know -- the next question is -- let's set a hearing date. And
16 I'm looking for the last week in February.

17 MR. OSHINSKY: Your Honor, unfortunately I am going
18 to be out of town 22nd to the 26th.

19 JUDGE SIPPEL: Let me see if -- of next year,
20 February?

21 MR. OSHINSKY: Of February, yes.

22 JUDGE SIPPEL: Okay. Well, okay. So let's back up
23 a little bit then. Okay. The 20th is a holiday, isn't that
24 correct? President's Day?

25 MR. OSHINSKY: I don't know.

1 MR. JACOBS: Yes, sir.

2 JUDGE SIPPEL: Okay. So -- and you're going to be
3 gone from what dates to what dates?

4 MR. OSHINSKY: The 22nd to the 26th.

5 JUDGE SIPPEL: All right. Well, that kills that.
6 All right. Well, we can start it on the 6th of February --

7 (Cell phone ringing.)

8 MR. OSHINSKY: Oh, no.

9 JUDGE SIPPEL: Tell everybody to turn it off.

10 MR. OSHINSKY: I'm sorry. I apologize.

11 JUDGE SIPPEL: Now, can we do it the 6th?

12 (No audible response.)

13 JUDGE SIPPEL: Can we do it the 6th? Oh, I'm sorry,
14 you're consulting.

15 MR. OSHINSKY: Your Honor, would it be possible to
16 make it beginning of March rather than beginning of February?

17 JUDGE SIPPEL: I'll do that. I'll do that. That
18 mean you're going to do it starting the, well, the 4th,
19 Tuesday the 4th?

20 MR. JACOBS: March 4 is a Saturday.

21 MR. OSHINSKY: Oh, I'm sorry, I'm into April.

22 MR. JACOBS: Tuesday the 7th?

23 JUDGE SIPPEL: Yes, March 7th. That's a very
24 interesting date. Do you know that's the date that the U.S.
25 invaded Germany over the Ludendorff Bridge at Remagen. How

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1 about that. I got a very interesting calendar here.
2 (Laughter.) Okay. Is that okay, the 7th?

3 MR. OSHINSKY: March 7th.

4 JUDGE SIPPEL: Exactly. And how many days you think
5 you're going to need?

6 MR. KNOWLES-KELLETT: Your Honor, unfortunately I
7 hate to chime in here, but I need to -- I'm actually leaving
8 the country on the 14th, so --

9 JUDGE SIPPEL: Okay. So you have to finish up by
10 the 13th?

11 MR. KNOWLES-KELLETT: I guess that's right.

12 JUDGE SIPPEL: I mean, that's -- preferably it would
13 be the 10th. Well, I usually start these on a Tuesday, but
14 we can start on a Monday. You think you can do it all in 5
15 days?

16 MR. JACOBS: Less.

17 JUDGE SIPPEL: Oh.

18 MR. JACOBS: We used only 2 days to depose the four
19 witnesses, who will be the same witnesses --

20 MR. OSHINSKY: That's right.

21 MR. JACOBS: -- that will be at hearing. I should
22 think we can do it in 2 days, or 3 at most.

23 JUDGE SIPPEL: All right. How does that work for
24 you Mr. Oshinsky:

25 MR. OSHINSKY: That would be fine, I mean, I expect

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1 Mr. Jacobs is right.

2 JUDGE SIPPEL: So you think it's going to be a total
3 of 2 days, or 2 days just for you?

4 MR. JACOBS: Total.

5 JUDGE SIPPEL: Total two? Two or 3 days?

6 MR. JACOBS: I could envision it going to the third
7 day. I'd be surprised --

8 JUDGE SIPPEL: All right, 2 to 3 days. Two to 3
9 days?

10 MR. JACOBS: Exactly.

11 JUDGE SIPPEL: Okay. Well, we'll start on the 6th
12 -- we'll start on the 6th at 10:00 and we'll finish up before
13 the 10th, which is the end of that -- the business day, the
14 last business day in that week. That's good to hear. And we
15 will get an order out with all of the, you know, days to come
16 in with the trial brief and exchange -- I'm assuming you're
17 going to exchange witness statements, is that right? What
18 they're going to testify to ahead of time? Is that right?

19 MR. JACOBS: Yes.

20 JUDGE SIPPEL: Okay. And as I said, we'll give you
21 one of those, you know, the conventional order, a pre-trial
22 order, within a couple of days so you have something to read
23 on Thanksgiving. Is that okay?

24 MR. OSHINSKY: Yes. I'm good, Your Honor.

25 JUDGE SIPPEL: Mr. Jacobs?

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1 MR. JACOBS: Yes, sir.

2 JUDGE SIPPEL: You're satisfied with this?

3 MR. JACOBS: Yes.

4 JUDGE SIPPEL: No you're not. I know you're not.

5 You are but you're not. Okay. The schedule is okay though.

6 MR. JACOBS: The schedule is okay.

7 JUDGE SIPPEL: I don't want to put words in your

8 mouth. Okay. Then we are in recess until Monday, March 6th.

9 Thank you very much.

10 (Whereupon, the above-entitled matter went off the
11 record at 10:54 a.m.)

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Before: FCC

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Name of Hearing

MB Docket No. 14-82

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445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

November 17, 2016

Date of Hearing

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